GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Guntur District – Disciplinary proceedings against Sri G.V.S.Phaneendra Babu, former Tahsildar, Pedakakani, Guntur District under rule 20 of A.P.C.S. (CC & A) Rules, 1991 - Articles of charges – Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.RT.No. 131 **Dated: 09-03-2021.**

Read the following:-

1. From the Collector & District Magistrate, Guntur, Lr.Rc.No.REVGNT(APL)/87/ 2019-E2, Dt:10.09.2020
2. From the Collector & District Magistrate, Guntur, Lr.in Rc.No.3209/2020-A4, Dt:21.10.2020.

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ORDER:

It is proposed to hold an enquiry against Sri G.V.S.Phaneendra Babu, former Tahsildar, Pedakakani, Guntur District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure—I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure – III & IV).

3. Sri G.V.S.Phaneendra Babu, Tahsildar is directed to submit, within 10 days of the receipt of this order, a written statement of his defense.

4. Sri G.V.S.Phaneendra Babu, Tahsildar is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

5. Sri G.V.S.Phaneendra Babu, Tahsildar is further informed that if he does not submit his written statement of defense on or before the date specified in Para—3 above, further action will be processed based on the material available.

6. Attention of Sri G.V.S.Phaneendra Babu, Tahsildar is invited to Rule 24 of A.P.C.S (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri G.V.S.Phaneendra Babu, Tahsildar is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G.V.S.Phaneendra Babu, former Tahsildar, Pedakakani, Guntur District through (The Chief Commissioner of Land Administration, A.P., Vijayawada)

Copy to:
The Chief Commissioner of Land Administration, A.P., Vijayawada.
The Collector & District Magistrate, Guntur District.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST G.V.S. PHANEENDRA BABU, THE THEN TAHSILDAR, PEDAKAKANI MANDAL, PRESENTLY WORKING AS TAHSILDAR, VATTICHERUKURU MANDAL, GUNTUR DISTRICT.

Article of Charge-I:

That, the said G.V.S. Phaneendra Babu, the then Tahsildar, Pedakakani Mandal, presently working as Tahsildar, Vatticherukuru Mandal being a responsible Government Servant has not verified the veracity of bogus entries made on the back side of assignment pattas. Based on the false certificates and letters dated:22.02.2009 and 15.05.2012 written by the then Tahsildars, he has furnished the written instructions. He also failed to represent the case properly and thereby the Hon'ble High Court of AP allowed the W.P., deciding the case in favour of petitioner. Therefore, he violated Rule-3 of APCS (Conduct) Rules, 1964.

Article of Charge-II:

That, the said G.V.S. Phaneendra Babu, the then Tahsildar, Pedakakani Mandal, presently working as Tahsildar, Vatticherukuru Mandal being a responsible Government Servant while submitting the written instructions to the Hon'ble High Court in W.P.No.47479/2018 has written that the connected assignment file was not available at Tahsildar's Office and that in fact, no Revenue record stipulates that the pattas were given on payment of Market Value to original assignees. On the other hand, he has supported the contention of the petitioner that the assignment was granted on payment of Market Value as per Revenue records relying upon the false certificates/letters written by the then Tahsildars contradicting his own contention. Therefore, he violated Rule-3 of APCS (Conduct) Rules, 1964.

Article of Charge-III:

That, the said G.V.S. Phaneendra Babu, the then Tahsildar, Pedakakani Mandal, presently working as Tahsildar, Vatticherukuru Mandal being a responsible Government Servant has failed to protect the interest of Government by furnishing the written instructions without mentioning the points that no rules provide that to make assignment by the Tahsildar on payment of Market Value as per BSO (15) and the then Tahsildars have violated the patta conditions contravening the provisons of AP Assigned Lands (POT) Act, 1977 though the assignment pattas were granted to the assignees with usual conditions. Therefore, he violated Rule-3 of APCS (Conduct) Rules, 1964.

Article of Charge-IV:

That, the said G.V.S. Phaneendra Babu, the then Tahsildar, Pedakakani Mandal, presently working as Tahsildar, Vatticherukuru Mandal being a responsible Government Servant has failed to verify the veracity of claim that there is no possibility to get the Challan Number from the Treasury authorities and to make payment into SBI on 20.09.1992 happened to be Sunday though on public holiday and as such the story narrated by Sri Devarapu Pullaiah is concocted one and disclosed that it is fabricated one. Therefore, he violated Rule-3 of APCS (Conduct) Rules, 1964.

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLES OF CHARGES AGAINST G.V.S. PHANEENDRA BABU, THE THEN TAHSILDAR, PEDAKAKANI MANDAL, PRESENTLY WORKING AS TAHSILDAR, VATTICHERUKURU MANDAL, GUNTUR DISTRICT.

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One Sri Devarapu Pullaiah, resident of Guntur Town filed a W.P.No.47479/2018 holding that a total extent of Ac.3.89 cents of agricultural land situated in Sy.Nos.274/B6 etc., of Nambur village of Pedakakani Mandal was originally granted on payment of Market Value by the then Tahsildar, Pedakakani, but, these lands were put in the prohibited properties u/s.22(A)(1)(e) of Registration Act, 1908 and direct the respondents to cause deletion of the entries insofar as they relate to the petitioner's land from the prohibitory properties list.

In pursuance thereof, Sri G.V.S Phaneendra Babu, the then Tahsildar, Pedakakani furnished instructions in the shape of Brief Note to the Government Pleader (Assignment), High Court of AP on 31.12.2018 and the main contents mentioned in the said Brief Note are submitted as follows:

a. The letter written by the then Tahsildar (Sri E.Venkatachari) vide L.Dis.No.632/2009-A, dt.22.12.2009 which was attested by the Sub-Registrar, Pedakakani (on 31.12.2015) shows that the Topu Poramboke land was converted into AWD and issued pattas on payment of Market Value and free of cost for agriculture purpose. The land in Sy.No.274- B1, 274-B5 and 274-B6 was assigned to the assignees mentioned below on payment of Market Value and they got right to transfer of property.

b. In the brief Note, it was also mentioned that; As seen from the report Dt.15.05.2012 of the then Tahsildar (Sri S. Luther) which was attested by the Sub-Registrar, Pedakakani, the Mandal Surveyor was informed that the land in Sy.No.274-B6 with an extent of Ac.0.81 cents, Sy.No.274-B7 with an extent of Ac.0.96 cents and Sy.No.274-B8 with an extent of Ac.2.12 cents. As per Revenue Records available in Tahsildar office, the land was allotted to the assignees on payment of market value and they got right to transfer of property.

c. In the said Brief Note, it was also mentioned that while preparing the list of prohibitory properties u/s.22(A)(1) in the year 2016, an extent of Ac.1.75 cents was put in Annexure-I as assigned land and an extent of Ac.15.83 cents was entered as Annexure-V since it is a dotted Land. The connected assignment file was not available in this office record room.

Sri S. Luther, the then Tahsildar written letter vide L.Dis.No.266/2012-A, dt.15.05.2012 to the Devarapu Sambasiva Rao S/o. Pullaiah, Guntur. The said Tahsildar retired from service and died subsequently. The letters also reflect that the then Sub-Registrar, Pedakakani attested these letters on 31.12.2015.

After adjudicating the matter, the Hon'ble High Court of AP passed orders dt.31.12.2018 holding that:

"The Assistant Government Pleader for Revenue appearing for respondents land that he is also produced written instructions dt.31.12.2018 from the Tahsildar, Pedakakani Mandal stating that the subject land was assigned on payment of Market Value....

....This Writ Petition is also allowed, setting aside the inclusion of Petitioner's lands situated in Sy.No.274/B6 (Ac.0.81 cts) 274/B7 (Ac.0.96 cts) and Sy.No.274/B8 (Ac.2.12 cts) totaling Ac.3.89 cents of Nambur village, Pedakakani Mandal, Guntur District in the prohibited list of properties as stated in Annexure to G.O.Ms.No.197 Revenue (Assn.I) Dept., dt.05.05.2016."

(Contd....Page.2)

Soon after receipt of Hon'ble High Court orders, the District Collector has issued instructions to the Tahsildar, Pedakakani to take necessary action on the orders dt.31.12.2018 passed by the Hon'ble High Court protecting the interest of the Government vide Lr.No.REV-GNT(APL)/87/2019 -E2, dt.02.03.2019.

In pursuance thereof, the then Tahsildar, who wrote written instructions for the W.P.No.47479/2018 filed Writ Appeal No.132/2019 on the file of Hon'ble High Court assailing the orders dt.31.12.2018 passed by the Hon'ble High Court. Subsequently, the present Tahsildar, Pedakakani filed reply Affidavit affirming that he was authorized to file the reply affidavit on his behalf and also on behalf of the other appellants with the following grounds.

a. D-Form pattas were granted to the applicants on 24.07.1992 by sub-dividing the land in Sy.No.274/B into Sy.No.274/B1 to B8. Whereas, Sri Lankapalli Bikshalu and Kanuganti Subbaiah and Yenna Pedda Atchireddy sold away an extent of Ac.3.89 cents in Sy.No.274/B6, 274/B7 and 274/B8 to the vendors of Sri Devarapu Pullaiah violating the patta conditions.

b. The contention of the respondent that assignment grants were made on payment of Market Value and that they paid Market Value vide receipt Nos.1113, 1114 and 1117, dt.20.09.1992 and the allegation that payment was made on 20.09.1992 i.e., on Sunday which is public holiday. The payment was remitted by the then Tahsildar to the Government Treasury on some working day is not correct. Pursuant to the letters written by the Tahsildar, Pedakakani, the Assistant Treasury Officer, Guntur and Chief Manager, SBI, Arundelpet Branch, Guntur confirmed that the remittance particulars are not available in their office/Bank and it cannot possible to make payment on 20.09.1992 which is happens to be on Sunday.

c. The respondent is trying to project that the land is purchased by them as per BSO-24, whereas the land was assigned to the original assignees as per BS0-15.

d. The Xerox copy of the patta filed by the respondents in the W.P., as one of material papers in the Writ Petition, did not contain any number, but, a condition was incorporated that the Market Value of the said land has to be paid in 15 instalments which clearly shows that it is a fabricated one. The subject land is assigned on general conditions and not on payment of Market Value.

The present Tahsildar, Pedakakani Mandal submitted a report to the District Collector, Guntur letter Rc.No.93/2019-DT, dt.20.08.2020 which states that as per RSR of Nambur village, the Sy.No.274 is classified as Dotted land, later it was converted to AWD. Sri Lankapalli Bikshalu, Kanuganti Rathamma, Lankapalli Sambaiah, Lankapalli Appaiah, Jonnala Venkata Reddy, Challa Busireddy, Yenna Peda Atchireddy and Emani Venkata Reddy filed representations in the year 1985 and 1986 before the then Tahsildar, Pedakakani Mandal for grant of permanent pattas. After due enquiry, D-Form pattas were granted to them on 24.07.1992 by sub-dividing the land in Sy.Nos.274/B into Sy.No.274/B1 to B8 and imposing the patta conditions. As per condition No.3, the land assigned should be heritable but not alienable. Whereas, Sri Lankapalli Bikshalu, Kanuganti Brahmaiah and Yenna Pedda Atchireddy sold away an extent of Ac.3.89 cents in Sy.No.274/B6, 274/B7 and 274/B8 to the vendors of Sri Devarapu Pullaiah (Respondents in the present Writ Appeal) violating the assignment conditions. The original applications filed by the original assignees were traced out in the record room. The said applications reflect that the applicants did not make representation before the then Tahsildar, Pedakakani to make assignment on payment of Market Value.

(Contd....Page.3)

The documents enclosed by the Tahsildar, Pedakakani show that the extract of RSR reflects that the extent of Sy.No.274 is Ac.17.58 cents. The FMB and entries made in the RSR state that the said land was sub-divided as follows:

Survey Number	Sub-division No.	Extent in Ac.	Classification as per entries made in the RSR
274	A	6.93	Dotted land
274	B	9.72	Dotted land
274	C	0.93	Dotted land
	Total	**17.58**	

The report of the Tahsildar, Pedakakani (as per report enclosed by Mandal Surveyor), the subject land is 274-B. It was sub-divided in the year 1993 as follows:

Sub-division No.	Extent (Ac. cents)	Classification
B1	0.86	AWD
B2	1.43	AWD
B3	0.50	AWD
B4	1.88	Vagu Poramboke
B5	0.52	AWD
B6	0.81	AWD
B7	0.96	AWD
B8	2.12	AWD
B9	0.10	Vagu Poramboke
B10	0.47	AWD
B11	0.07	AWD
Total	**9.72**	

Subsequently, Sri Devarapu Pullaiah purchased the Lands situated in Sy.No.274-B5 etc., to an extent of Ac.3.89 from the vendees of Sri Kanuganti Brahmaiah, Lankapalli Bhikshatu and Venna Peda Atchireddy in the year 2013.

Sri E. Venkatachari, the then Tahsildar, Pedakakani also issued three certificates vide L.Dis.No.632/2009-A, dt.05.12.2009 in favour of Kanuganti Brahmam who is legal heir of one of the original assignees for the subject land. The contents of the said certificates are mentioned below:

Name of original Assignee/ legal heir	Survey No.	Extent mentioned (Ac. Cents)	Contents mentioned in the certificate
Kuraganti Brahmam S/o late Rathamma	274-B5	0.81	Patta was issued on payment of Market Value and the Land is in the possession and enjoyment of Sri Kanuganti Brahmaiah S/o. late Subbaiah and got right to transfer of right.
Ullangula Anjamma W/o Bhadraiah D/o Lankapalli Bhikshalu (original assignee)	274-B6	0.96	Patta was issued on payment of Market Value and the Land is in the possession and enjoyment of Ullangula Anjamma W/o. Bhadraiah and got right to transfer of right.
Venna Peda Atchireddy S/o Subba Reddy	274-B1	2.12	Patta was issued on payment of Market Value and the land is in the possession and enjoyment of Sri Venna Peda Atchireddy S/o. Subba Reddy and got right to transfer of right.

(Contd....Page.4)

The said Tahsildar has also written a letter vide Rc.No.632/2009-A, dt.22.12.2009 addressed to the Sub-Registrar, Pedakakani which was attested by the Sub-Registrar, Pedakakani (on 31.12.2015) informing that the Topu Poramboke Land was converted into AWD., and issued pattas on payment of Market Value and free of costs for agriculture purpose. The Land in Sy.No.274/B1, 274/B5 and 274/B6 was assigned to the assignees mentioned below on payment of Market Value and they got right to transfer of property.

In view of the above, the following irregularities committed by Sri G.V.S. Phaneendra Babu, the then Tahsildar, Pedakakani Mandal, presently working as Tahsildar, Vatticherukuru Mandal:

a. The individual has not verified the veracity of bogus entries made on the back side of assignment pattas. Based on the false certificates and letters dt.22.02.2009 and 15.05.2012 written by the then Tahsildars, he has furnished the written instructions. This individual also failed to represent the case properly thereby the Hon'ble High Court of AP allowed the WP., deciding the case in favour of petitioner.

b. In fact, no Revenue record stipulates that the pattas were given on payment of Market Value to original assignees. On the other hand, he has written that the connected assignment file was not available at Tahsildar's Office. He has supported the contention of the petitioner that the assignment was granted on payment of Market Value as per Revenue records relying upon the false Certificates/letters written by the then Tahsildars contradicting his own contention.

c. If it was assumed that the assignment was granted by the then Tahsildar on payment of Market Value, it is void, without jurisdiction, competency and authority, because no rules provide that to make assignment by the Tahsildar on payment of Market Value as per BSO (15). In the present case, assignment pattas were granted to the assignees with usual conditions. But, they alienated the properties violating the patta conditions contravening the provisions of AP Assigned Lands (POT) Act, 1977. As such the then Tahsildar, Pedakakani furnished the written instructions without mentioning the above points and failed to protect the interest of Government.

d. The date mentioned on the overleaf of assignment pattas is on 20.09.1992 which happens to be Sunday i.e., public holiday. There is no possibility to get the Challan Number from the Treasury authorities and to make payment into SBI on Sunday i.e., public holiday. As such the story narrated by Sri Devarapu Pullaiah is concocted one and amounts to fabrication of records. Whereas, this individual failed to verify the veracity of claim and furnished the written instructions relying upon the false certificates/letters written by the then Tahsildars.

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARICLES OF CHARGES FRAMED AGAINST G.V.S. PHANEENDRA BABU, THE THEN TAHSILDAR, PEDAKAKANI MANDAL, PRESENTLY WORKING AS TAHSILDAR, VATTICHERUKURU MANDAL.

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1) Collector, Guntur report in Rc.No.REV-GNT(APL)/87/2019-E2, dt.10.09.2020.

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM ARICLES OF CHARGES FRAMED AGAINST G.V.S. PHANEENDRA BABU, THE THEN TAHSILDAR, PEDAKAKANI MANDAL, PRESENTLY WORKING AS TAHSILDAR, VATTICHERUKURU MANDAL.

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NIL

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER